NOVA SCOTIA

Nova Scotia Film Development Corporation

POLICY TITLE: **Routine Access Policy**

POLICY STATEMENT:

Consistent with the spirit and intent of the *Freedom of Information and Protection of Privacy (FOIPOP) Act*, the Nova Scotia Film Development Corporation attempts first to respond to requests for information by means other than requiring a formal application for records under the *FOIPOP Act*. Formal FOIPOP applications are treated as an avenue of last resort when other means of access to information have been exhausted.

In keeping with this approach and to facilitate access to information, the Nova Scotia Film Development Corporation classifies certain records or categories of records as available through routine access subject to the limitations specified in this policy. Categories of records available through routine access are listed in "Schedule A" which forms part of this policy.

PURPOSE / OBJECTIVES:

The purpose of this policy is to provide a pro-active approach to access to information that reflects the spirit of openness and accountability embodied in the *FOIPOP Act*; specifically to identify categories of records available on a routine access basis.

This Routine Access Policy shall be administered in accordance with the following principles:

(A) **Third Party Privacy/Confidentiality**
Records containing personal information of an identifiable individual or confidential business information of a third party shall not be disclosed by the Nova Scotia Film Development Corporation outside the *FOIPOP Act* unless that information has been severed from the record or with the written consent of the third party.

(B) **Timeliness**
The Nova Scotia Film Development Corporation shall apply best efforts to respond to routine access requests in a reasonable and timely fashion.

(C) **Transparency**
This policy shall be available upon request and posted on the Nova Scotia Film Development Corporation website.

APPLICATION

This policy applies to:

- those records and categories of records designated under this policy as available on a routine access basis as listed in "Schedule A"
- requests for reasonable quantities of records

This policy does not apply to:

- records created prior to October 23, 2003
- requests that comprise more than 50 pages of records whether made as one large request or a series of small requests by one Requestor or a group of associated Requestors
- requests of a repetitious, systematic, frivolous or vexatious nature, that in the opinion of the CEO, Nova Scotia Film Development Corporation, or his/her delegate, constitute an abuse of the opportunity for access under the Routine Access policy
- information subject to exemptions under the *FOIPOP Act*

POLICY DIRECTIVES

1. The Administrator will coordinate responses to routine access requests.

2. Routine access requests must be made in writing.

3. Fees for the reproduction and provision of records may be charged where authorized by policies, regulations or statutes.

4. Staff who receive routine access requests must forward them without delay to the Administrator for response.

5. Records classified as available on a routine access basis will be reviewed for personal information, confidential business information and other information that may be exempted from disclosure in accordance with Sections 12–21 of the *FOIPOP Act* and any such identified information may be severed from the record prior to disclosure.

6. All FOIPOP applications will be screened to determine if they can be responded to entirely, or in part, through routine access.

7. Routine access requests will be tracked in accordance with requirements of Department of Justice.

8. The Routine Access Policy will be posted on the Nova Scotia Film Development Corporation's website.

POLICY GUIDELINES

1. When the Nova Scotia Film Development Corporation receives a FOIPOP application or routine access request the application/ request will be reviewed against the list of records approved for routine access as listed in "Schedule A".

2. If the requested record is subject to this policy, as listed in "Schedule A", the Administrator will have the requested record retrieved and sent to the Applicant/Requestor.

3. Best efforts will be applied to respond to routine access requests within 30 days of receipt of the written application/request by the office of the Administrator.

4. If the requested record is not listed in "Schedule A", the Administrator will notify the Requestor and provide the Requestor with information about procedures for obtaining access including, where appropriate, procedures for making an application under the *FOIPOP Act*.

ACCOUNTABILITIES

Chief Executive Officer

- over all management responsibility for the policy
- champion annual review of the policy

Administrator

- day-to-day implementation of the policy
- track routine access requests in accordance with Department of Justice requirements
- monitor and report on compliance with the policy
- evaluate the policy and make recommendations for the annual review

Staff

- forward routine access requests without delay to the Administrator for response
- respond in a timely fashion to requests from the Administrator to locate and retrieve records requested under the routine access policy

MONITORING

Compliance with the policy directives will be monitored on an ongoing basis by the Administrator.

The policy will be formally evaluated and reviewed on an annual basis by the Board of Directors and the Chief Executive Officer.

REFERENCES

- Definitions (see Appendix 1)
- Sections 2 and 27 of the *FOIPOP Act* (see Appendix 2)

INQUIRIES

For more information about this policy please contact:

FOIPOP Administrator
Nova Scotia Film Development Corporation
1724 Granville Street, 2nd Floor
Halifax, NS B3J 1X5
Tel: (902) 424-7177
Fax: (902) 424-0617

APPROVED BY: Chief Executive Officer

APPROVAL DATE: October 24, 2003

REPLACES: N/A

REVIEW DATE: October 24, 2004

Schedule "A"
Routine Access Records
Nova Scotia Film Development Corporation

The following list includes those records and categories of records that have been classified under the Routine Access Policy as available on a routine access basis.*

Human Resources Information:

General:
- organizational charts with position titles
- generic information of benefits and hours of work
- generic job descriptions and pay scale
- current personal service contracts of individuals not appointed pursuant to the Civil Service Act, excluding personal information, and service or product trade secrets
- current secondment agreements both within and outside government, excluding personal information

Selection and Hiring process:
- number of applicants for position
- number of persons interviewed
- identity of selection panel to only those being interviewed
- name of successful candidate, once offer of employment has been accepted

Financial:

- individual expense claims of specifically identified individuals (not including invoices or individual credit card bills) for a three-month period within the current fiscal year and for a maximum of three individuals at any one time
- cost of renovations for specific offices carried out within the previous six months
- cost of special or specific events (i.e., conferences, luncheons, workshops, training, etc. within three months of event having taken place)
- cost of sending a delegation out of the province or out of the country
- General Ledger Account totals by category for a maximum of three per fiscal year
- active contracts for goods and services, excluding personal information, and service or product trade secrets

* Does not apply to records created prior to October 23, 2003.

APPENDIX 1

- DEFINITIONS -

"active dissemination"

the periodic and pro-active release of information or records in the absence of a request using mechanisms such as the Internet, libraries, etc.

"Administrator"

the officer responsible for receiving and responding to applications made to the Nova Scotia Film Development Corporation under the *FOIPOP Act*

"confidential business information"

As referenced in the FOIPOP Act (Reference - s. 21) means:
"information that would reveal:

- *trade secrets of a third party;*
- *commercial, financial, labour relations, scientific or technical information of a third party; ... [or]*
- *information obtained on a tax return or gathered for the purposes of determining tax liability or collecting a tax that is supplied, implicitly or explicitly, in confidence.*

"FOIPOP access"

the release of a record in response to a formal application made under the *FOIPOP Act*

"personal information"

As defined in the *FOIPOP Act* (Reference - s. 3(1)(i))
"Means recorded information about an identifiable individual including

- *the individual's name, address or telephone number;*
- *race national or ethnic origin, colour religious or political beliefs or associations;*
- *age, sex, sexual orientation, marital status or family status;*
- *an identifying number, symbol or other particular assigned to the individual;*
- *fingerprints, blood type or inheritable characteristics;*
- *the individual's health-care history, including a physical or mental disability;*
- *educational, financial, criminal or employment history;*
- *anyone else's opinion about the individual; and*
- *the individual's personal views or opinions, except if they are about someone else."*

"record"

As defined in the *FOIPOP Act* (Reference - s. 3(1)(k))
"Includes books, documents, maps, drawings, photographs, letters, vouchers, papers or any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records."

"Requestor"

the person requesting access under the Routine Access Policy

"routine access"

the routine or automatic release, in full or in part, of a specified record in response to a request without the need for a formal application for records under the *FOIPOP Act*

APPENDIX 2

- REFERENCE LEGISLATION -

Freedom of Information and Protection of Privacy Act

Section 2 - Purpose of Act

"s. 2 The purpose of this Act is

(a) to ensure that public bodies are fully accountable to the public by

(i) giving the public a right of access to records,

(ii) giving individuals a right of access to, and a right to correction of, personal information about themselves,

(iii) specifying limited exceptions to the rights of access,

(iv) preventing the unauthorized collection, use or disclosure of personal information by public bodies, and

(v) providing for an independent review of decisions made pursuant to this Act; and

(b) to provide for the disclosure of all government information with necessary exemptions, that are limited and specific, in order to

(i) facilitate informed public participation in policy formulation,

(ii) ensure fairness in government decision-making,

(iii) permit the airing and reconciliation of divergent views;

(c) to protect the privacy of individuals with respect to personal information about themselves held by public bodies and to provide individuals with a right of access to that information."

Section 27 - Disclosure of personal information

"s. 27 *A public body may disclose personal information only*

(a) in accordance with this Act or as provided pursuant to any other enactment;

(b) if the individual the information is about has identified the information and consented in writing to its disclosure;

(c) for the purpose for which it was obtained or compiled, or a use compatible with that purpose;

(d) for the purpose of complying with an enactment or with a treaty, arrangement or agreement made pursuant to an enactment;

(e) for the purpose of complying with a subpoena, warrant, summons or order issued or made by a court, person or body with jurisdiction to compel the production of information;

(f) to an officer or employee of a public body or to a minister, if the information is necessary for the performance of the duties of, or for the protection of the health or safety of, the officer, employee or minister;

(g) to a public body to meet the necessary requirements of government operation;

(h) for the purpose of

(i) collecting a debt or fine owing by an individual to Her Majesty in right of the Province or to a public body, or

(ii) making a payment owing by Her Majesty in right of the Province or by a public body to an individual;

(i) to the Auditor General or any other prescribed person or body for audit purposes;

(j) to a member of the House of Assembly who has been requested by the individual, whom the information is about, to assist in resolving a problem;

(k) to a representative of the bargaining agent who has been authorized in writing by the employee, whom the information is about, to make an inquiry;

(l) to the Public Archives of Nova Scotia, or the archives of a public body, for archival purposes;

(m) to a public body or a law-enforcement agency in Canada to assist in an investigation

(i) undertaken with a view to a law-enforcement proceeding, or

(ii) from which a law-enforcement proceeding is likely to result;

(n) if the public body is a law-enforcement agency and the information is disclosed

(i) to another law-enforcement agency in Canada, or

(ii) to a law-enforcement agency in a foreign country under an arrangement, written agreement, treaty or legislative authority;

(o) if the head of the public body determines that compelling circumstances exist that affect anyone's health or safety;

(p) so that the next of kin or a friend of an injured, ill or deceased individual may be contacted; or

(q) in accordance with Section 29 or 30. 1993, c. 5, s. 27."